

John Boehner
Chairman
8th District, Ohio

House Meets at 10:00 a.m. for Legislative Business

Anticipated Floor Action:

H.R. 2264—FY 1998 Labor, HHS, and Education Appropriations Act

**H.R. 2016—FY 1998 Military Construction Appropriations Act
(Conference Report)**



H.R. 2264—FY 1998 Labor, HHS, and Education Appropriations Act

Floor Situation: The House is scheduled to continue consideration of H.R. 2264 as its first order of business today. Yesterday, the House continued considering amendments under an open rule. The rule waives all points of order against consideration of the bill, as well as House rules which prohibit unauthorized appropriations, legislative provisions in an appropriations bill, and reappropriations. It makes in order four specific amendments—by Mr. Hyde, Ms. Lowey, Mr. Istook, and Mr. Porter—and waives points of order against them. The rule accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, provided that it follows a regular 15-minute vote. The rule also waives House rules that prohibit non-emergency amendments from being offered to a bill containing an emergency designation under the Budget Act. Finally, the rule provides one motion to recommit, with or without instructions. On July 31, the House unanimously agreed to allow a revised version of the Hyde amendment to be considered in lieu of both the original amendment by Mr. Hyde and the secondary amendment by Ms. Lowey.

Summary: H.R. 2264 appropriates \$80 billion in discretionary budget authority—\$5.3 billion more than last year and \$117 million less than the president's request—for the Departments of Labor, Health and Human Services (HHS), Education, and a wide range of related agencies. The discretionary amount is approximately equal to the subcommittee's 602(b) allocation. Including mandatory spending (the amount over which the Appropriations Committee does not have jurisdiction), the bill provides \$279 billion, \$8.1 billion less than last year and \$245 million less than the president's request. The bill provides no funding for approximately 20 programs which received FY 1997

appropriations, including Community Based Resource Centers, state student incentive grants, preventative health for the aging, Star Schools, urban community service, and various scholarships and fellowships offered by the Education Department.

CBO estimates that enactment will result in mandatory and discretionary outlays of \$188.6 billion in FY 1998, \$37.1 billion in FY 1999, \$9.8 billion in FY 2000, \$1.7 billion in FY 2001, \$82 million in FY 2002 and beyond. The bill was submitted by Mr. Porter and was reported by the Appropriations Committee by voice vote.

Views: The Republican Leadership supports passage of the measure. The Clinton Administration opposes overall funding levels, which are lower than the president's request for Goals 2000, America Reads, Pell Grants, Safe and Drug-Free Schools, Education Reform, the president's new adoption initiative, and Youth Opportunity Areas. In addition, the president has threatened a veto if several proposed amendments are adopted, including (1) prohibiting funds for the president's national testing initiative, (2) prohibiting the use of federal funds for managed care contracts which cover abortions, (3) prohibiting the use of federal funds to support the Teamster election, and (4) prohibiting the Department of Education from withholding federal funds from a public educational institution that refuses or fails to enforce affirmative action plans relating to student admissions.

Amendments: At press time, the *Legislative Digest* was aware of the following amendments (listed in alphabetical order) to H.R. 2264:

Mr. Crane may offer an amendment (#28) to eliminate funding for the Corporation for Public Broadcasting (CPB). The bill currently provides \$300 million for the account. The member argues that the federal government no longer needs to subsidize the CPB because it should be able to compete as a private broadcasting company. *Staff Contact: Eric Elks or Chris Myers, x5-3711*

Mr. Coburn and **Mr. Ackerman** may offer an amendment (#36) to prohibit the use of funds to conduct "blind" HIV tests on newborns. "Blind" tests do not identify the individual from whom the samples were taken. Although "blind" tests have not been taken since 1995, the Center for Disease Control is considering re-implementing the program. Supporters argue that "blind" tests prevent the mother and the child from receiving early medical treatment that could prolong and improve their lives. *Staff Contact: Roland Foster (Coburn), x5-2701; John Berger (Ackerman), x 5-2601*

Mrs. Emerson may offer an amendment (#37) to prohibit the use of federal funds to support medical institutions' voluntary plans to reduce the number of medical residents unless the Health and Human Services Secretary certifies to Congress that the reduction plan will not reduce the number of primary care residents that are available to practice in under-served rural areas. *Staff Contact: Glenn Kelly, x5-4404*

Mr. Fattah may offer an amendment (#62) to prohibit the Education Department from providing funds to any state or local education agency that has a variation of per pupil expenditure between school districts that is greater than 10 percent. The member argues that many states unfairly spend over two times the amount per student in some districts vis-à-vis other districts in the same state. *Contact: x5-4001*

Mr. Goodling may offer an amendment (#5) to prohibit appropriated funds from being used to develop national mathematics tests for fourth graders and national reading tests for eighth graders.

The amendment does not limit activities of the National Assessment of Educational Progress (also known as the “Nation’s Report Card”) or the Third International Math and Science Study. The member argues that the national tests are too controversial of a change for the president to implement without congressional authorization. *Staff Contact: Kent Talbert, x5-6558*

Mr. Graham may offer an amendment (#39) to eliminate funding for Goals 2000. Currently, the account receives \$458 million, which the amendment will transfer to the Individuals with Disabilities in Education state grant account. *Staff Contact: Greg McGinity, x5-5301*

Mr. Gordon and **Ms. Roukema** may offer an amendment to prohibit educational institutions from awarding Pell Grants to students if the institution is ineligible to participate in federal student loan programs because of a high loan default rate. *Staff Contact: Louis Finkel (Gordon), x5-4231; Lisa Bleier (Roukema), x5-4465*

Mr. Hefley may offer an amendment to cut funding for the Corporation for Public Broadcasting (CPB) by \$50 million, reducing its funding to last year’s level. Supporters of the amendment would like to maintain FY 1997 funding levels. *Staff Contact: Jennifer Johnson Calvert, x5-4422*

Mr. Hastert, Mr. Coburn and **Mr. Wicker** may offer an amendment (#35) to prohibit the use of federal funds to implement or promote programs that distribute sterile needles for illegal drug use. Supporters argue that the current federal policy prohibiting the use of federal funds for needle exchange programs must be strengthened because the policy has not been followed. *Staff Contact: Andrea Miles, x5-2701*

Mr. Hoekstra may offer an amendment (#42) to Title V of the bill to prohibit the use of federal funds to oversee a rerun of the 1996 Teamster election, unless the president certifies that the Teamsters do not have sufficient funds to conduct the rerun. If the president makes such a certification, the Labor Department may provide a loan to the Teamsters. Last fall, the federal government spent \$20 million to supervise a mail-in election. Two weeks ago, the results of the election were voided and a new election has been recommended by a federal court election monitor because of finance violations. *Staff Contact: Amy Plaster, x5-4401*

Mr. Hoekstra may offer an amendment (#41) to Title V of the bill to prohibit the use of federal funds for a court-appointed election officer to oversee any future Teamster election. The federal government has used federal funds to oversee two Teamster elections as required by a 1993 court order. *Staff Contact: Amy Plaster, x5-4401*

Mr. Hostettler may offer an amendment (#64) to adjust the threshold of the volume of business conducted by a company which would place it under the jurisdiction of the National Labor Relations Board (NLRB). The volume of business a company conducts determines whether the NLRB has jurisdiction over labor disputes for their company. The thresholds that determine which companies fall under NLRB jurisdiction have not been adjusted since 1959. The amendment updates the 1959 law to adjust for inflation by indexing the threshold to the Consumer Price Index. The member argues that the NLRB’s jurisdiction has expanded over the years because the threshold has not been adjusted to account for inflation. *Staff Contact: Nancy Juday, x5-4694*

Mr. Hyde may offer an amendment (#1) to update the current-law Hyde Amendment restrictions on the use of federal funds for abortions to include managed care contracts. The amendment prohibits

the use of federal funds to pay for any abortion or health benefits coverage that includes the coverage of abortion, except in the case of rape or incest, or when the life of the mother is threatened as a result of the pregnancy. The amendment does not affect the expenditure of state or private funds for abortion coverage for Medicaid patients through contracts that are not federally subsidized. It also does not affect services which managed care organizations provide through non-Medicaid contracts. Proponents of the amendment argue the need for change in current law by citing the increase of Medicaid beneficiaries in managed care from 10 percent to 40 percent in the last five years, a percentage that is expected to continue increasing in the near future. *Staff Contact: Brad Close, x5-4561*

Mr. Kennedy (MA) may offer an amendment (#19) to provide \$4.8 million for elderly abuse prevention efforts, which do not receive funding under the bill. The amendment reduces funding for the National Center for Education Statistics by \$14 million to provide offsetting receipts. *Staff Contact: Heather Mizeur, x5-5111*

Mr. McIntosh may offer an amendment (#20) to cut \$21 million from the Goals 2000 program. The amendment transfers \$15 million to provide more computers and technology in public classrooms, and \$5 million to the education, research, statistics, and technology account for the Jacob Javits fund for gifted and talented students. *Staff Contact: David Holt or Leila Bate, x5-3021*

Mr. McIntosh may offer an amendment to increase funding for charter schools by \$10 million and offset the increase with equal reductions from the Goals 2000 account. *Staff Contact: David Holt or Leila Bate, x5-3021*

Ms. Millender-Mcdonald may offer an amendment (#65) to transfer \$3 million from education for the disadvantaged to pay for construction costs of federally-impacted schools—schools where student enrollments and the availability of revenues from local sources have been adversely affected by federal activities, such as the presence of Indian reservations or military bases. The bill currently provides \$7 million for construction of federally-impacted schools, but the National Association of Federally Impacted Schools (NAFIS) estimates a need for \$25 million to repair dilapidated schools. *Contact: x5-7924*

Mr. Nadler may offer an amendment (#7) to prohibit any Medicaid funds from being paid to a health insurance provider that limits the type of conversations a physician can have with a patient regarding advice on possible medical treatments. In effect, the amendment establishes an “anti-gag rule” to guarantee physicians the right to advise their patients on available health care options, regardless of whether those options are covered by the patient’s insurance plan. Supporters argue that physicians should not be hindered from providing the best advice available because of a health contract. Opponents argue that the amendment will unduly increase insurance costs and lead to unnecessary medical tests and procedures. *Staff Contact: Josh Greene, x5-5635*

Mr. Nadler may offer an amendment (#8) to prohibit federal funds from being paid to health insurance providers that offer bonuses or impose penalties on doctors in relation to the number of services or tests which are prescribed by the doctor. Supporters argue that physicians should not be hindered from providing the best services available because of a health contract. Opponents argue that the amendment will result in increased insurance costs and that tighter controls over physician procedures are needed before such a measure can be enacted. *Staff Contact: Josh Greene, x5-5635*

Mr. Nadler may offer an amendment (#9) to prohibit the use of Medicaid funds for payments to a health insurance provider unless insurance coverage is provided for items that the treating physician, in consultation with the patient, determines are medically necessary for the patient, and the patient's health care provider pays for the services in a manner that is consistent with the patient's health care plan. *Staff Contact: Josh Greene, x5-5635*

Ms. Pelosi may offer an amendment (#10) to transfer \$50 million from the Abstinence Only program to the Center for Disease Control (CDC) for its teen pregnancy prevention programs. The member argues that the CDC programs have been more successful at reducing teen pregnancies and promoting abstinence than the Abstinence Only program. *Staff Contact: Steve Morin, x5-4965*

Ms. Pelosi may offer an amendment (#11) to require that federally-funded abstinence programs provide medically accurate and appropriate information to teens. The member argues that current abstinence programs do not provide youth with accurate scientific facts regarding the success rates of contraceptives. *Staff Contact: Steve Morin, x5-4965*

Mr. Peterson may offer an amendment (#26) to increase funds for the vocational education basic grant by \$85 million (for a total of \$1.1 billion). The amendment reduces the Education Research, Statistics, and Improvement account by an equal amount. Specifically, the amendment cuts (1) \$30 million from the 21st Century Learning Centers Account, (2) \$30 million from the Fund for the Improvement of Education, (3) \$10 million from the National Center on Education Statistics, (4) \$8 million from the research account, and (5) \$7 million from Regional Education Laboratories. *Staff Contact: Bob Moran, x5-5121*

Mr. Peterson may offer an amendment (#43) to provide an additional \$20 million for vocational education basic state grants and offset the increase by cutting an equal amount from the Goals 2000 program. Under the bill, the vocational education basic grant account receives \$1 billion. *Staff Contact: Bob Moran, x5-5121*

Mr. Riggs may offer an amendment (#14) to prohibit the Education Department from imposing sanctions on states that elect not to provide special education, under the Individuals with Disabilities Education Act, to incarcerated individuals aged 18 to 21 years. Supporters say states should not be required to spend limited federal and state funds on convicted felons. Opponents believe that a key component to rehabilitating prisoners is to provide them with a solid education. *Staff Contact: Trent Barton, x5-3311*

Mr. Riggs may offer an amendment (#31) to prohibit the Department of Education from withholding federal funds from a public educational institution that refuses or fails to enforce affirmative action plans relating to student admissions. The amendment intends to apply to states (e.g., California) where enforcing affirmative action plans is prohibited by state law or court-order. *Staff Contact: Mark Davis, x5-3311*

Mr. Solomon may offer an amendment to prohibit any funds from being provided to a contractor that has not filed required annual reports with the Secretary of Labor regarding veterans' employment. *Staff Contact: Ed Timberlake, x5-7985*

Additional Information: See *Legislative Digest*, Vol. XXV, #23, August 29, 1997.



H.R. 2016—FY 1998 Military Construction Appropriations Act (Conference Report)

Floor Situation: The House is scheduled to consider the conference report to H.R. 2016 after it completes consideration of H.R. 2264. Conference reports are privileged and may be considered any time three days after they are filed; they do not require a rule for consideration. They are debatable for one hour and are not subject to amendment. Mr. Packard is expected to ask for unanimous consent to consider the bill. However, the Rules Committee has scheduled a meeting for 11:30 a.m. today and may grant a rule for consideration.

Summary: The conference report to H.R. 2016 appropriates \$9.2 billion in FY 1998, \$248,000 more than the House-passed bill and \$610 million less than last year. Specifically, it provides (1) \$3.2 billion for domestic and overseas military construction projects; (2) \$3.9 billion for military family housing, which includes \$900 million for new family housing units and improvements to existing units, and \$3 billion for operation and maintenance of existing units; and (3) \$2.1 billion for base realignment and closure accounts. Although the overall amounts are approximately the same as in the House-passed bill, some of the priorities and specific projects funded by the report differ. The House passed H.R. 2016 by a vote of 395-14 on July 8, 1997. The Senate approved the bill by a vote of 98-2 on July 22, 1997. The Conference report was submitted by Mr. Packard.

Views: The Republican leadership supports passage of the measure. An official Clinton Administration viewpoint was unavailable at press time.

Additional Information: See *Legislative Digest*, Vol. XXVI, #24, Pt. III, September 10, 1997, and #19, July 3, 1997.



PLEASE NOTE: UNDER AN OPEN RULE, MEMBERS MAY OFFER NEW AMENDMENTS TO A BILL AT ANY TIME, REGARDLESS OF WHETHER THEY HAVE BEEN PRE-PRINTED IN THE *CONGRESSIONAL RECORD*.

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Please attach the text of the amendment (if available) and fax to the *Legislative Digest* at x5-7298

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Member Sponsoring Amendment: _____ Bill #: _____

Additional Co-sponsors (if any): _____

Staff Contact: _____ Phone #: _____ Evening Phone #: _____

Description of the amendment: _____

(Please include any additional or contextual information)

Reason for offering amendment (e.g., How will this change the bill or current law? Why should members support this change?): _____

Legislative Digest reserves the right to edit descriptions for style, readability, and provisional accuracy.

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